

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LINDA MIGLIORI, FRANCIS J. FOX,
RICHARD E. RICHARDS, KENNETH
RINGER, and SERGIO RIVAS,

Plaintiffs,

and

ZACHARY COHEN,

Intervenor- Plaintiff,

v.

LEHIGH COUNTY BOARD OF ELECTIONS,

Defendant,

and

DAVID RITTER,

Intervenor-Defendant.

No. 5:22-cv-00397

**DEFENDANT LEHIGH COUNTY BOARD OF ELECTIONS' UNOPPOSED MOTION
FOR ENLARGEMENT OF TIME TO COMPLY WITH THIS COURT'S ORDER OF
MARCH 4, 2025**

The Lehigh County Board of Elections, above-captioned Defendant (“Board”), respectfully submits this Unopposed Motion for Enlargement of Time to Comply with this Court’s Order of March 4, 2025, which directed the parties to submit evidence of the Allentown market rates for civil rights attorneys, as well as supporting letter briefs, within 10 days of the date of the Order, and in support thereof, avers the following:

1. In January 2022, the American Civil Liberties Union, through Plaintiffs Linda Migliori, Francis Fix, Richard E. Richards, and Kenneth Ringer and Sergio Rivas (collectively,

“Plaintiffs”) filed suit to compel the Board to count Plaintiffs’ mail-in ballots from the November 2021 election.

2. The suit culminated in an October 2022 decision of the U.S. Supreme Court that vacated as moot the U.S. Third Circuit Court of Appeals’ Order in favor of Plaintiffs.

3. In November 2022, Plaintiffs filed a petition for attorney fees, asserting they were “prevailing parties.”

4. Plaintiffs seek fees against the Board, a local government entity—which total approximately \$250,000—in addition to the \$250,000 in fees sought by Plaintiffs for litigating this matter before the Third Circuit, for a total of approximately \$500,000—for drafting briefs and attending oral argument *in a case that did not involve a trial nor a single evidentiary hearing*.

5. The Board filed a response and brief in opposition to Plaintiffs’ Petition for Attorney Fees.

6. By Order of April 4, 2023, the U.S. District Court for the Eastern District of Pennsylvania issued an Order in which it determined Plaintiffs were prevailing parties but did not render a final decision. Instead, the Court requested that the parties submit briefs on the sole issue of whether Plaintiffs’ request for attorney fees was reasonable.

7. The parties submitted briefs on this issue.

8. This matter was subsequently reassigned twice to different Judges of the U.S. District Court for the Eastern District of Pennsylvania.

9. The Judge to whom the matter was ultimately reassigned held a status conference in October 2023 and invited the parties to submit supplemental briefs, which they did.

10. This matter was then referred to the Honorable Craig M. Straw, U.S.M.J.

11. On March 4, 2025, this Court issued an Order that directed the parties to submit evidence of the Allentown market rates for civil rights attorneys, as well as supporting letter briefs, within 10 days of the date of the Order.

12. Therefore, submission in response to this Court's Order are due on March 14, 2025.

13. At the time this Order was entered, undersigned counsel was on an out-of-state, pre-planned, and pre-paid vacation.

14. Upon his return to the office, undersigned counsel received this Court's Order and began the process of collecting evidence to comply with this Court's Order.

15. Undersigned counsel is unable to obtain the evidence necessary to comply with this Court's Order by the deadline of March 14, 2025. Rather, undersigned counsel requires thirty (30) days to gather and assemble the necessary evidence and prepare a letter brief.

16. This motion is not made for the purpose of unnecessary delay, but rather to allow undersigned counsel an opportunity to obtain and produce the requested evidence and prepare a letter brief.

17. Granting the instant motion will not prejudice Plaintiffs; however, denying the motion will cause prejudice to the Board.

18. The instant motion represents the Board's first request for an extension of time on this issue.

19. Counsel for the parties conferred on this matter. Plaintiff has no objection to Defendant's request for a thirty (30) day enlargement of time.

WHEREFORE, Defendant Lehigh County Board of Elections respectfully requests this Court enter an Order granting all appropriate relief, including a thirty (30) day enlargement of time for Defendant to submit evidence of the Allentown market rates for civil rights attorneys, as well as a supporting letter brief.

Respectfully Submitted,

DATED: March 12, 2025

REPKA MAZIN LLC

By: *Joshua S. Mazin*

Joshua S. Mazin, Esq.
Pa. I.D. No. 87680
3735 Nazareth Rd., Suite 204
Easton, Pennsylvania 18045
Attorney for Defendant,
Lehigh County Board of
Elections

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LINDA MIGLIORI, FRANCIS J. FOX,
RICHARD E. RICHARDS, KENNETH
RINGER, and SERGIO RIVAS,

Plaintiffs,

and

ZACHARY COHEN,

Intervenor- Plaintiff,

v.

LEHIGH COUNTY BOARD OF ELECTIONS,

Defendant,

and

DAVID RITTER,

Intervenor-Defendant.

No. 5:22-cv-00397

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Motion for Enlargement of Time to Comply with this Court's Order of March 4, 2025 was served on all parties of record via the Court's CM/ECF system on the date set forth below.

DATED: March 12, 2025

By: Joshua S. Mazin
Joshua S. Mazin, Esq.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LINDA MIGLIORI, FRANCIS J. FOX,
RICHARD E. RICHARDS, KENNETH
RINGER, and SERGIO RIVAS,

Plaintiffs,

and

ZACHARY COHEN,

Intervenor- Plaintiff,

v.

LEHIGH COUNTY BOARD OF ELECTIONS,

Defendant,

and

DAVID RITTER,

Intervenor-Defendant.

No. 5:22-cv-00397

ORDER

AND NOW, this ____ day of _____, 2025, Defendant Lehigh County Board of Elections' Unopposed Motion for Enlargement of Time to Comply with this Court's Order of March 4, 2025, is GRANTED. Defendant Lehigh County Board of Elections shall submit evidence of the Allentown market rates for civil rights attorneys, as well as supporting letter briefs within 30 days of the date of this Order.

J.